

Amendments to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A device for cryoablating exposed tissue which comprises:

a tube-shaped shaft formed with a lumen, said shaft having a proximal end and a distal end;

a flexible enclosure having an outer surface and an inner surface, with the inner surface thereof forming a cryochamber with an opening wherein the cryochamber has a length, said enclosure being attached to the distal end of said shaft for fluid communication through the opening between the lumen of said shaft and the cryochamber of said enclosure;

a shapeable ~~rod-shaped element~~ rod having a first end attached to the distal end of said shaft and extending therefrom into the cryochamber of the enclosure substantially along and through the length thereof, to selectively establish a configuration for said enclosure to conform said enclosure to the exposed tissue;

a high-pressure tube having a distal end positioned in the lumen of said shaft; and

a capillary tube having an inlet connected in fluid communication with the distal end of said high-pressure tube to deliver a restricted flow of cryo-fluid from an outlet of said tube to said cryochamber for expansion therein to cryoablate tissue in contact with the outer surface of said enclosure, wherein the cryo-fluid is preconditioned to enter said capillary tube at approximately 400psia and -40°C and wherein a pathway between said outlet of said tube and said enclosure is unimpeded by said rod.

2. (Original) A device as recited in claim 1 wherein the cryochamber is cylindrical shaped and said enclosure is made of a thermo-conductive material.

3. (Original) A device as recited in claim 2 wherein the thermo-conductive material has a thermal conductivity in a range of 2-100 W/mK.

4. (Cancelled)

5. (Currently Amended) A device as recited in claim 1 wherein said shapeable element rod is made of copper.

6. (Previously presented) A device as recited in claim 1 further comprising a source for holding the cryo-fluid in a liquid state and in fluid communication with said tube.

7. (Original) A device as recited in claim 6 wherein said cryo-fluid is Nitrous Oxide.

8. (Currently Amended) A device for cryoablating tissue having an exposed surface, said device comprising:

a tub-shaped shaft formed with a lumen, said shaft having a proximal end and a distal end;

a flexible enclosure attached to the distal end of said shaft and having an outer surface for contacting the exposed tissue and an inner surface, with said inner surface thereof forming a cryochamber wherein the cryochamber has a length;

a shapeable rod-shaped element rod attached to the distal end of the shaft and disposed in said cryochamber substantially along and through the length thereof, said shapeable element rod being deformable from a first shape wherein said shapeable element rod is substantially straight and elongated to a second shape wherein said shapeable element rod reconfigures a portion of said outer surface of said enclosure to substantially conform with a portion of the exposed surface of the tissue; and

a means including a flow restricting device for delivering a restricted flow of cryo-fluid into said cryo-chamber for expansion therein to cool said enclosure and cryoablate tissue in contact with the outer surface of said enclosure, wherein the cryo-fluid is preconditioned to enter the flow restricting device at approximately 400psia and -40°C and the cryo-fluid exits the flow restricting device at an outlet, and wherein a pathway between said outlet and said enclosure is unimpeded by said rod.

9. (Original) A device as recited in claim 8 wherein the cryochamber is cylindrical shaped and said enclosure is made of a thermo-conductive material.

10. (Cancelled)

11. (Currently Amended) A device as recited in claim 8 wherein said shapeable element rod is made of copper.

12. (Currently Amended) A device as recited in claim 8 wherein said delivering means comprises ~~a tube-shaped~~ said shaft ~~formed with a lumen~~.

13. (Previously presented) A device as recited in claim 12 wherein said delivery means further comprises:

a source for holding a cryo-fluid in a liquid state;

a high-pressure tube having a distal end and a proximal end, with the proximal end thereof connected in fluid communication with said source to extend said high-pressure tube therefrom through the lumen of said shaft; and

a capillary tube connected in fluid communication with the distal end of said high-pressure tube to transition the cryo-fluid from its liquid state into a gaseous state to cool said enclosure.

14. (Original) A device as recited in claim 13 wherein said cryo-fluid is Nitrous Oxide.

15. (Currently Amended) A method for cryoablation of tissue, said method comprising the steps of:

providing a device including a shaft having a proximal end and a distal end, said device further including a flexible enclosure attached to the distal end of said shaft, said enclosure having an outer surface and an inner surface, with the inner surface thereof forming a cryochamber wherein the cryochamber has a length, said device further including a shapeable ~~rod-shaped element~~ rod attached to the distal end of said shaft and extending therefrom into the cryochamber substantially along and through the length thereof;

exposing the tissue;

manually deforming said shapeable element rod to selectively establish a configuration for said enclosure to conform said enclosure to the exposed tissue;

contacting the tissue with said outer surface of said enclosure;

preconditioning a cryo-fluid to approximately 400psia and -40°C; and

passing said preconditioned cryo-fluid through a flow restricting device and into said enclosure to flow to said enclosure unimpeded by said rod to cool said enclosure and cryoablate the tissue.

16. (Original) A method as recited in claim 15 wherein the tissue is myocardial tissue.

17. (Original) A method as recited in claim 15 wherein said deforming step is performed subsequent to said exposing step.

18. (Original) A method as recited in claim 15 wherein the tissue has an exposed surface and wherein said deforming step establishes a configuration for said enclosure wherein a portion of said outer surface of said enclosure substantially conforms with a portion of the exposed surface of the tissue.

19. (Currently Amended) A method as recited in claim 15 wherein said shapeable element rod is made of copper.

20. (Previously Presented) A method as recited in claim 15 wherein said passing step comprises the steps of:

holding said cryo-fluid in a liquid state;

flowing said cryo-fluid through a high-pressure tube; and thereafter

flowing said cryo-fluid through a capillary tube to transition said cryo-fluid from said liquid state into a gaseous state to cool said enclosure.

21. (New) A device as recited in claim 1 wherein the shaft has an inner surface and the rod is attached to the inner surface of the shaft.